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March 15, 1999

Received

MAR 29 1999

Group 2700

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Re: Applicant: John O. Ryan  
Assignee: Command Audio Corporation  
Title: Method And System For Information Dissemination With User Menu Interface  
Serial No.: 08/977,846 Filed: November 25, 1997  
Examiner: B. Gregory Group Art Unit: 2766  
Docket No.: M-2338-3C US

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This transmittal sheet (in duplicate);
- (2) Amendment (7 pgs);
- (3) Copy of form PTO-1449 as filed (2 pgs);
- (4) Petition for Extension of Time (1 pg);
- (5) Terminal Disclaimer (2 pgs);
- (6) Entity Status Change Paper (2 pgs); and
- (7) Return Postcard

☒ The fee has been calculated as shown below:

**CLAIMS AS AMENDED**

	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate		Additional Fee
Total Claims	28	Minus	20	=	8	x	\$18	\$	144.00
Independent Claims	2	Minus	3	=	0	x	\$78	\$	0.00
<input type="checkbox"/>	Fee of \$260 for the first filing of one or more multiple dependent claims per application							\$	0.00
<b>Total additional fee for this Amendment:</b>								\$	<u>144.00</u>
<input checked="" type="checkbox"/>	Fee for Request for Extension of Time (3 months)							\$	870.00
<input checked="" type="checkbox"/>	Fee for Terminal Disclaimer							\$	110.00
<input checked="" type="checkbox"/>	Fee for Filing Fee Deficiency							\$	395.00
<input checked="" type="checkbox"/>	Please charge our Deposit Account No. 19-2386 in the amount of							\$	1,519.00
<input checked="" type="checkbox"/>	Also, charge any additional fees required and credit any overpayment to our Deposit Account No. 19-2386.								

I hereby certify that this correspondence is being deposited with the United  
States Postal Service as First Class Mail in an envelope addressed to:  
ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231,

on March 15, 1999

Norman R. Klivans March 15, 1999  
Attorney for Applicant(s) Date of Signature

Respectfully submitted,

*Norman R. Klivans*

Norman R. Klivans  
Attorney for Applicant  
Reg. No. 33,003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ryan, John O.

Assignee: Command Audio Corporation

Title: METHOD AND SYSTEM FOR INFORMATION DISSEMINATION  
WITH USER MENU INTERFACE

Serial No.: 08/977,846      **Received**      Filed: November 25, 1997

Examiner: B. Gregory      **MAR 29 1999**      Group Art Unit: 2766

Docket No.: M-2338-3C US      **Group 2700**

San Jose, California  
March 26, 1999

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

**SUBMISSION OF PREVIOUSLY SUBMITTED  
CORRESPONDENCE UNDER 37 CFR §1.8(b)**

Dear Sir:

Applicant hereby resubmits previously mailed correspondence in the above case under 37 CFR §1.8(b). The enclosed correspondence includes a transmittal sheet, an Amendment, a copy of Form PTO-1449, Petition for Extension of Time, Terminal Disclaimer, Change in Entity Status and return postcard. These are the originals of these papers. These originals are being submitted under Rule 8(b) due to the following circumstances:

1. This correspondence was, in the normal course of business, deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D. C. 20231. A copy of that envelope is enclosed.

The proper postage was affixed. This deposit was made on March 15, 1999 to the knowledge of the undersigned in the course of ordinary business of the undersigned's law firm.

2. One week later, on March 22, 1999, this envelope, without any U.S. Postal Service stamps or other markings, appeared in the incoming mail at undersigned's law firm. The mail clerk in the course of her duties in processing the incoming mail noticed that this was apparently mistakenly returned and gave it to the undersigned. Therefore, this envelope and its contents were in fact deposited with the Postal Service on March 15, 1999, and the Postal Service then returned it to undersigned's law firm without any indication as to why.

3. Therefore, it is respectfully requested that this correspondence was timely filed by being mailed in accordance with Rule 8(a), but obviously not received in the Patent and Trademark Office. It is noted that this correspondence were submitted on the last day of the three-month extension period to respond to the outstanding Office Action in this case. Therefore, it appears that this application otherwise went abandoned on March 15, 1999 for failure to respond.

4. The undersigned hereby informs the Patent Office of the previous mailing promptly after becoming aware that the Patent Office did not receive same, due to its return to the undersigned. The original is enclosed.

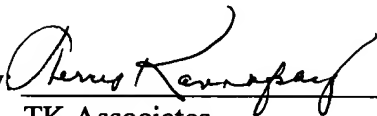
Therefore, it is respectfully submitted that all portions of Rule 8(b) including subportions 1, 2, and 3 have been complied with and it is requested that this correspondence be received by the Patent Office as if timely mailed on March 15, 1999.

If there are any questions, or if this submission of correspondence is not accepted,  
please contact the undersigned at (408) 453-9200.

Respectfully submitted,



Norman R. Klivans  
Attorney for Applicant  
Reg. No. 33,003

Handcarried by   
TK Associates  
Date: 3-29-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5  
Loss of  
Entity  
Copy  
4-13-99

Applicant: John O. Ryan  
Assignee: Command Audio Corporation  
Title: A METHOD AND SYSTEM FOR INFORMATION DISSEMINATION  
USING VARIOUS MODES OF TRANSMISSION  
Serial No.: 08/977,846 Filed: November 25, 1997  
Examiner: B. Gregory Group Art Unit: 2766  
Docket No.: M-2338-3C US

San Jose, California  
March 15, 1999

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

**37 C.F.R. §1.28**  
**CHANGE FROM SMALL ENTITY STATUS**  
**TO LARGE ENTITY STATUS**

Dear Sir:

This paper is to notify the U.S. Patent and Trademark Office that the Assignee of the entire interest of the above-cited patent requests a change in the establishment of small entity status of the Assignee with respect to the above-cited patent.

The status of the Assignee at the time of the filing of the above application was established as a small entity. The filing fee payment for the above-cited application was authorized to be charged on November 25, 1997, and without deceptive intent, with the understanding that the Assignee was indeed a small entity.

However, **after** the filing fee was paid, the Assignee determined that small entity status was not appropriate as of the time of filing. Therefore, it is respectfully requested that the patent's status be changed to "Large Entity".

In addition, please charge our Deposit Account No. 19-2386 in the amount of \$395.00 for the fees deficiency due in the above patent application, as set forth in the enclosed transmittal letter, the deficiency being the payment for a small entity as opposed to a large entity for filing this application (see below). Under Rule 1.28(c), the deficiency due is based on the fees in effect at the time the deficiency is paid in full.

FEES PAID	PAID SMALL ENTITY	DUE LARGE ENTITY	DIFFERENCE
Basic Filing Fee	\$395.00	\$790.00	\$395.00
TOTAL TO BE CHARGED:			\$395.00

If there is any question concerning this paper, please telephone the undersigned at (408) 453-9200.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231,

on March 15, 1999

Norman R. Klivans

Attorney for Applicant(s)

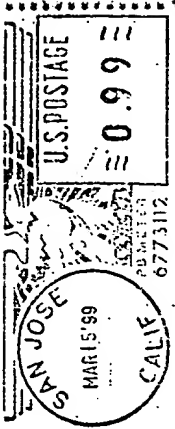
March 15, 1999

Date of Signature

Respectfully submitted,

Norman R. Klivans

Norman R. Klivans  
Attorney for Applicant(s)  
Reg. No. 33,003



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FRANKLIN & FRIEL LLP

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FOR PATENTS

WASHINGTON, D.C. 20231

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